IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.1103 OF 2003

Bank of India .. Plaintiff

Vs.

Nagaraj T and Anr. ..Defendants

Mr.O.A.Das for the plaintiffs

None for the defendant

CORAM : S.U.KAMDAR, J
DATED : 16TH JANUARY, 2006

P.C.:

. The suit is filed on the basis of the claim arising out of credit card issued by the plaintiffs pursuant to an application made by the defendant. The credit card bearing no.5420 3430 1517 5503 has been used by the defendant including for withdrawal of cash. In the aforesaid circumstances, the present suit has been filed for recovery of sum of Rs.56,970.18 with further interest on the principal amount of Rs.25,746.48 at the rate of 12% p.a. simple rate of interest. The plaintiffs have filed affidavit of service dt.6.12.05 proving service of the writ of summons on the defendant. Despite

service, no vakalatnama has been filed. Plaintiff tenders a compilation of original documents which are taken on record and marked Ex.A collectively. In that light of the matter, I pass the following order:

> There shall be decree in favour of the plaintiffs and against the defendant for the sum of Rs.56,970.18 alongwith interest on the principal amount of Rs.25,746.18 at the rate of 12% p.a. at simple rate of interest from the date of the suit till payment and/or realisation. Suit is disposed of accordingly. Refund of court fee as per rules.